

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

DISTRICT COURT OF GUAM  
JUN 17 2005  
MARY L.M. MORAN  
CLERK OF COURT  
TIME: 10:14 a.m.  
*(15)*

CASE NO. CR-05-00029

DATE: 06/17/2005

HON. RICARDO S. MARTINEZ, Designated Judge, Presiding  
Court Reporter: Wanda M. Miles  
Electronically Recorded - RUN TIME: 10:38:14 - 10:58:31

Law Clerk: NONE PRESENT  
Courtroom Deputy: Virginia T. Kilgore  
CSO: B. Pereda / J. Lizama

\*\*\*\*\* \* \* \* \* \* APPEARANCES \* \* \* \* \* \*\*\*\*\*

DEFT: DAWN MICHELE SAVOCA  
(X) PRESENT ( ) CUSTODY (X) BOND ( ) P.R.

ATTY: JOHN GORMAN  
( ) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: STEPHEN CHIAPPETTA

AGENT:

U.S. PROBATION: CARMEN O'MALLAN

U.S. MARSHAL: W. GRAY

( ) ARGUMENT FOR A DOWNWARD DEPARTURE BY THE GOVERNMENT DEFENSE GRANTED  
COURT DEPARTS TO A LEVEL \_\_\_\_\_ FROM A LEVEL \_\_\_\_\_

( ) ARGUMENT FOR AN UPWARD DEPARTURE BY THE GOVERNMENT DEFENSE

( ) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS \_\_\_\_\_

Base offense level: Total offense level: 8 Criminal History Category: II

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to depart three levels from a total offense level of 8 to 5 and to sentence his client to a term of probation. Defense further requested the Court to allow Defendant to self-surrender to the U.S. Marshal Service on Monday - DENIED.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Government requested a one level departure and concurred with probation's assessment, however he recommend psychological counseling and no incarceration .

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

Defendant's husband addressed the Court. Probation Officer, Carmen O'Mallan recommended 8 months of incarceration. Defense stated that if the Court was going to recommend incarceration he requested that the Court incarcerate the Defendant in Guam for 1 month and a 6 months home confinement with electronic monitoring when Defendant arrives back in Ohio. The Court imposed sentence.

- (X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 30 DAYS.
- ( ) COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT \_\_\_\_\_.
- (X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF THREE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME.
2. DEFENDANT SHALL REFRAIN ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE.
3. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
5. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM OR OTHER DANGEROUS WEAPON.
6. DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM APPROVED BY THE U.S. PROBATION OFFICE AND WILL INCUR THE COSTS ASSOCIATED WITH SUCH TREATMENT BASED ON HER ABILITY TO PAY. THE DEFENDANT WILL SIGN RELEASES OF INFORMATION TO ALLOW THE UNITED STATES PROBATION OFFICER TO COMMUNICATE WITH OTHER PROFESSIONALS INVOLVED IN HER TREATMENT PROGRAM AND TO ALLOW ALL PROFESSIONALS INVOLVED TO COMMUNICATE WITH EACH OTHER.
7. DEFENDANT SHALL NOT INCUR ANY CREDIT CHARGES OR OPEN NEW LINES OF CREDIT WITHOUT THE APPROVAL OF THE PROBATION OFFICER.
8. DEFENDANT SHALL PROVIDE THE PROBATION OFFICER ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.
9. DEFENDANT SHALL NOT BE IN ANY CAPACITY AS AN EMPLOYER OR EMPLOYEE WHICH MAY INVOLVE THE COLLECTION OF CASH OR SALES RECEIPTS WITHOUT THE APPROVAL OF THE PROBATION OFFICER.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HER APPEAL RIGHTS. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL

TIME ENDED: 10:58 A.M.